

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
Ellen Lipton Hollander
District Court Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-0742

June 14, 2024

LETTER TO COUNSEL

Re: *United States v. Jacky McComber*
Criminal No. ELH-21-0036

Dear Counsel:

As you know, on June 13, 2024, the government filed its reply (ECF 478, "Reply") to the sentencing memorandum of the defendant addressing defendant's personal history and characteristics. *See* ECF 433. The government did not file the Reply under seal, although the issue of sealing sensitive, personal information has been litigated by the parties and was addressed by the Court in its Memorandum Opinion (ECF 467) and Order (ECF 468) of May 31, 2024.

At 3:17 p.m. on June 13, 2024, counsel for defendant requested by email "that the Court provisionally seal" the Reply. According to defense counsel, "the government's filing . . . contains a great deal of sensitive personal information about Ms. McComber, including information that appears to fall into categories that the Court has previously ordered to be kept under seal." (Citing ECF 467).

Mr. Gray responded by email at 4:59 p.m. on June 13, 2024. He indicated that the government has "no objection to provisionally sealing the brief until defense counsel can review it further." He also stated that certain unspecified "portions [of the Reply] could certainly be placed under a partial seal or redacted."

I construed defense counsel's email as a motion to seal the Reply provisionally, and I granted it. Therefore, I directed the Clerk to place a temporary seal on the Reply.

The Court must now determine whether portions of the Reply should be permanently sealed. To that end, the parties are directed to confer and to advise the Court, jointly if possible, which portions of the Reply they believe require redaction. In doing so, counsel should take into account the Court's Memorandum Opinion of May 31, 2024 (ECF 467).

If the parties reach an agreement to redact portions of the Reply, counsel shall file a copy of the Reply that reflects the agreed-upon redactions. If the parties cannot come to an agreement, they shall notify the Court, and describe their disagreement(s) with particularity.

I understand that Mr. Gray is out of the office until on or about June 25, 2024. Sentencing begins on June 26, 2024. Therefore, the submission (ECF 478) will remain sealed until counsel comply with this directive.

Copies of the emails mentioned above are appended to this letter. They will be docketed as attachments.

Despite the informal nature of this Memorandum, it is an Order of the Court and the Clerk is directed to docket it as such.

Very truly yours,

/s/

Ellen Lipton Hollander
United States District Judge